

REMARKS

Claims 1-34 are all the claims pending in the application. By this Amendment, Applicant amends claims 1-34.

Claim Rejections - 35 U.S.C. § 112

Claims 33 and 34 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Applicant amends claims 33 and 34 and respectfully submits that claims 33 and 34 satisfy 35 U.S.C. § 112, second paragraph.

Claim Objections

Claims 1-21 are objected to for minor informalities. Applicant amends claims 1-21 to and respectfully requests the Examiner to withdraw the objections.

Claim Rejections - 35 U.S.C. § 101

Claims 33 and 34 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Applicant amends claims 33 and 34 to recite, *inter alia*, “program embodied on a tangible computer-readable medium” and respectfully submits that claims 33 and 34 satisfy 35 U.S.C. § 101.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 6-10, 13-16, 20, 21, 29-31 and 33 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Jinzaki et al. (U.S. Patent 7,133,407, hereinafter “Jinzaki”).

Applicant respectfully traverses the rejection.

Claims 1, 8, 15, and 33

In the Office Action, the Examiner asserts that Jinzaki allegedly teaches all the features of claim 1. However, Jinzaki neither teaches nor suggests “terminating, at the transport layer relay device, a first transport layer connection...and a second transport layer connection,” as recited in claim 1. This is because Jinzaki does not disclose terminating transport layer connections. Rather, Jinzaki merely discloses a relay device 610 for interconnecting multiple networks through the Internet. *See* Jinzaki, FIG. 35, col. 44, ll. 52-54. Indeed, a person having ordinary skill in the art would understand that such a device is a conventional router. *See* Jinzaki, FIG. 5, col. 3, ll. 40-44. However, there is no teaching or suggestion of “terminating” transport layer connections between devices in the transport layer. Instead, at best, Jinzaki simply discloses forwarding information.

Further, Jinzaki neither teaches nor suggests “relaying data flow of said first transport layer connection...as a first relay connection and data flow of said second transport layer connection...as a second relay connection,” as recited in claim 1. This is because Jinzaki does not disclose converting transport layer connections into different connections. Rather, as discussed above, Jinzaki simply relays information between various terminals.

Also, Jinzaki neither teaches nor suggests “determining a total transmission rate of said first and second relay connections based on the first and second transmission rates.” This is because Jinzaki does not disclose calculating a total transmission rate of new connections based on transmission rates of terminated connections. The Examiner cites to column 28, lines 38 to 43 as allegedly teaching determining bandwidth of relayed connections. However, that portion

of Jinzaki merely describes determining an initial data transmission rate of a sending device, and does not disclose determining a total transmission rate of incoming, intercepted transport layer connections.

Last, Jinzaki neither teaches nor suggests “allocating the total transmission rate among each of said first and second relay connections.” This is because Jinzaki does not disclose redistributing bandwidth of multiple incoming, intercepted transport layer connections among newly created outgoing transport layer connections. Rather, Jinzaki is merely concerned with setting a transmission rate for a single outgoing to connection to a single device that receives the connection. However, there is no teaching or suggestion of redistributing transmission rates among multiple transport layer connections, as required by claim 1.

As a result, Jinzaki fails to teach or suggest all the features of claim 1, and hence claim 1 and its dependent claims would not have been anticipated by Jinzaki for at least these reasons.

Independent claims 8, 15, and 33 recite features similar to those discussed above regarding claim 1 and are rejected by the Examiner upon substantially the same rationale. Accordingly, claims 8, 15, 33, and their dependent claims also would not have been anticipated by Jinzaki for at least reasons analogous to those discussed above regarding claim 1.

Claim Rejections - 35 U.S.C. § 103

Claims 5, 12 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jinzaki in view of Yao et al. (U.S. Patent 6,097,697, hereinafter “Yao”).
Applicant respectfully traverses the rejection.

Claims 5, 12, and 19 depend on claims 1, 8, and 15, respectively, and incorporate all the features of claims 1, 8, and 15. Yao is merely cited for teaching application information. Even if Jinzaki could have somehow been modified based on Yao, as the Examiner asserts in the Office Action, the combination would still not contain all the features in claims 1, 8, and 15, and hence claims 5, 12, and 19, as discussed above. Accordingly, claims 5, 12, and 19 would not have been rendered unpatentable by the combination of Jinzaki and Yao for at least these reasons.

Claims 4, 11 and 18 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Jinzaki in view of Rochberger et al. (U.S. Patent 6,760,309, hereinafter “Rochberger”). Applicant respectfully traverses the rejection.

Claims 4, 11, and 18 depend on claims 1, 8, and 15, respectively, and incorporate all the features of claims 1, 8, and 15. Rochberger is merely cited for teaching traffic priority. Even if Jinzaki could have somehow been modified based on Rochberger, as the Examiner asserts in the Office Action, the combination would still not contain all the features in claims 1, 8, and 15, and hence claims 4, 11, and 18, as discussed above. Accordingly, claims 4, 11, and 18 would not have been rendered unpatentable by the combination of Jinzaki and Rochberger for at least these reasons.

Claims 22-24, 27, 28, 32 and 34 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jinzaki in view of Trebes, Jr. (U.S. Pub. 2002/0093980, hereinafter “Trebes”). Applicant respectfully traverses the rejection.

Claims 22 and 34

In the Office Action, the Examiner asserts that the combination of Jinzaki and Trebes allegedly teaches all the features of claim 22. Specifically, the Examiner's position is based on the assertion that elements 703A, 703B, 704A, and 704B in Figure 31 Jinzaki allegedly teach the "plurality of terminal-side connection termination units." *See* Office Action, p. 8.

However, Jinzaki neither teaches nor suggests "a plurality of terminal-side connection termination units that terminate transport layer connections between a plurality of source terminals and a plurality of destination terminals in the transport layer," as recited in claim 22. This is because Jinzaki does not disclose that elements 703A, 703B, 704A, and 704B terminate transport layer connections between devices. Rather, Jinzaki discloses that elements 703A, 703B, 704A, and 704B are digital video cameras and digital video decks. *See* Jinzaki, FIG. 31, col. 43, ll. 43-53. Indeed, a person having ordinary skill in the art would understand that video cameras or digital video decks are not operable to "terminate transport layer connections between a plurality of source terminals and a plurality of destination terminals in the transport layer," as required by claim 22.

Moreover, the Examiner's position is based on the assertion that elements 611 and 713 in Figure 31 of Jinzaki allegedly teach the "interdevice connection termination unit." *See* Office Action, p. 9.

However, Jinzaki neither teaches nor suggests "an interdevice connection termination unit that terminates a plurality of transport layer connections with a plurality of transport layer relay devices that relay transport layer data between said plurality of terminal-side connection

termination units and said interdevice connection termination unit.” This is because Jinzaki does not disclose that elements 611 and 713 terminate plural transport layer connections. Instead, Jinzaki discloses that elements 611 and 713 are an IEEE1394 adapter and an Internet adapter, respectively. *See* Jinzaki, col. 41, ll. 35-38, col. 43, ll. 22-26. However, a person having ordinary skill in the art would understand that such adapters are limited to transferring data between a single device over a single connection, and not plural connections as required in claim 22.

Trebes is merely cited for teaching a multiplexer and also fails to teach or suggest the features discussed above. Accordingly, even if Jinzaki and Trebes could have somehow been combined, as the Examiner asserts, the combination would still fail to teach or suggest all the features in claim 22. Therefore, claim 22 and its dependent claims would not have been rendered unpatentable by the combination of Jinzaki and Trebes for at least these reasons.

Claim 34 recites features similar to those discussed above regarding claim 22, and hence claim 34 also would not have been rendered unpatentable by the combination of Jinzaki and Trebes for at least reasons analogous to those discussed above regarding claim 22.

Claim 25 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jinzaki in view of Trebes, as applied to claim 22, and further in view of Rochberger.
Applicant respectfully traverses the rejection.

Claim 25 depends on claim 22 and incorporates all the features of claim 22. Rochberger is merely cited for teaching effective transmission rates. Even if Jinzaki and Trebes could have somehow been modified based on Rochberger, as the Examiner asserts, the combination would

still not contain all the features in claim 22, and hence claim 25, as discussed above.

Accordingly, claim 25 would not have been rendered unpatentable by the combination of Jinzaki, Trebes, and Rochberger for at least these reasons.

Claim 26 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jinzaki, in view of Trebes, as applied to claim 22, and further in view of Yao. Applicant respectfully traverses the rejection.

Claim 26 depends on claim 22 and incorporates all the features of claim 22. Yao is merely cited for teaching application information. Even if Jinzaki and Trebes could have somehow been modified based on Yao, as the Examiner asserts, the combination would still not contain all the features in claim 22, and hence claim 26, as discussed above. Accordingly, claim 26 would not have been rendered unpatentable by the combination of Jinzaki, Trebes, and Yao for at least these reasons.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Christopher J. Bezak /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Christopher J. Bezak
Registration No. 63,241

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